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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMANTHA SOMAI, infant by CHRISTINA	:	
RIVERA, as mother and natural guardian and	:	
CHRISTINA RIVERA, individually,	:	ECF Case
	:	
Plaintiffs,	:	
	:	08 Civ. 3151 (BSJ)
-against-	:	
	:	
MORRIS HEIGHTS HEALTH CENTER, INC.,	:	
d/b/a MORRIS HEIGHTS HEALTH CENTER,	:	
and WANDA McCOY, M.D.,	:	
	:	
Defendants.	:	
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NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying (1) Memorandum of Law in Support of Motion to Substitute the United States for Defendants Morris Heights Health Center, Inc. d/b/a Morris Heights Health Center, and Wanda McCoy, M.D., and to Dismiss the Complaint Against the United States, (2) the Declaration of Tomoko Onozawa, dated April 4, 2008, and (3) the Declaration of Meredith Torres, dated March 28, 2008, Defendants Morris Heights Health Center and Wanda McCoy, M.D. (collectively, the "Defendants"), by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York,

hereby move this Court for an order substituting the United States of America (the “United States”) for the Defendants, dismissing the Complaint against the Defendants with prejudice, and dismissing the Complaint against the United States for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

Dated: New York, New York
April 4, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants

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